

HOUSE BILL 1096
By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 48, Chapter 18, relative to consumer protection

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 48, Chapter 18, is amended by adding the following as a new, appropriately designated new part:

Section 48-18-__01.

(a) It is an unlawful practice for a person to misrepresent the geographic location of a supplier or a service or product by listing a fictitious business name or an assumed business name in a local telephone directory or directory assistance database if all of the following apply:

(1) The name purportedly represents the geographic location of the supplier;

(2) The listing does not identify the address, including the city and state, of the supplier; and

(3) Calls made to a local telephone number are routinely forwarded to or otherwise transferred to a business location that is outside the local calling area covered by the telephone directory or telephone database.

(b) A telephone company, provider of directory assistance, publisher of a local telephone directory, or officer, employee, or agent of such company, provider, or publisher shall not be liable in a civil action under this part for publishing in any directory or directory assistance database the listing of a fictitious or assumed business name of a person in violation of subsection (a) of this section unless the telephone company, directory assistance provider, directory publisher or officer, employee, or agent of the company, provider, or publisher is the person committing such violation.

Section 48-18-__02.

As used in this part, unless the context otherwise requires:

(1) "Local telephone directory" means a telephone classified advertising directory or the business section of a telephone directory that is distributed free of charge to some or all telephone subscribers in a local area.

(2) "Local telephone number" means a telephone number that has a three-number prefix used by the provider of telephone service for telephone customers physically located within the area covered by the local telephone directory in which the number is listed. The term does not include long distance numbers or 800, 888, or 900 exchange numbers listed in the telephone directory.

Section 48-18-__03.

For the purposes of application of the Tennessee Consumer Protection Act, any violation of the provisions of this part shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of any trade or commerce and subject to the penalties and remedies as provided in that act.

SECTION 2. This act shall take effect on July 1, 2003, the public welfare requiring it.